

Application No.: 10/664,783

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Docket No.: 495152000610

**REMARKS**

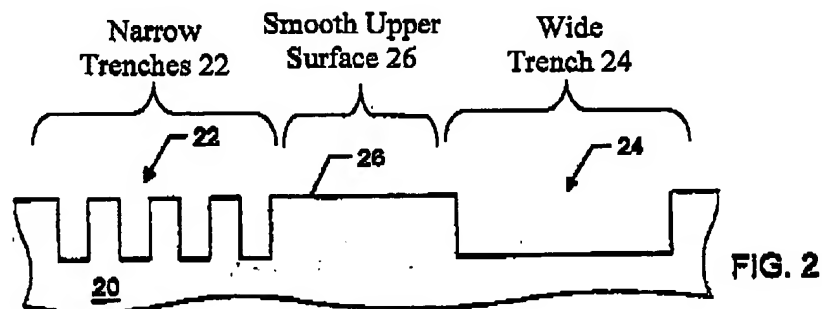
In the Office Action mailed on May 9, 2006, the Examiner reopened prosecution and rejected claims 11, 15, 16, 21-24, 28-30, 44, 47, 48, 52-55, and 58-60. Claims 12-14, 17-20, 25-27, 45, 46, 49-51, 56, and 57 were objected to. Claims 31-43 were allowed.

**I. Claim Rejections – 35 USC 103****A. Claims 11, 15, 24, 28, and 29**

Claims 11, 15, 24, 28 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0106886 (the Sethuraman reference) in view of U.S. Patent No. 5,256,565 (the Bernhardt reference).

Independent claim 11 recites that the dielectric layer is formed having a recessed area and a non-recessed area, and that dummy structures are formed within the recessed area. Applicants assert that the Sethuraman reference, alone or in combination with the Bernhardt reference, fails to disclose forming dummy structures within the recessed area of a dielectric layer.

In particular, FIG. 2 (reproduced below) and paragraph [0009] of the Sethuraman reference depicts and discloses a dielectric layer 20 with a series of narrow trenches 22 and a wide trench 24. The region of dielectric layer 20 between the series of narrow trenches 22 and wide trench 24 is referred to as "a smooth upper surface 26."



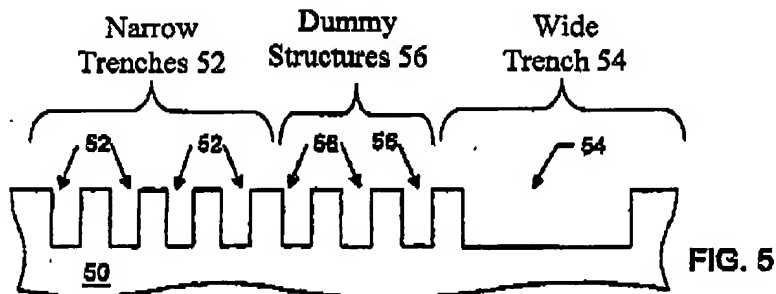
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FIG. 5 (reproduced below) and paragraph [0030] of the Sethuraman reference depicts and discloses a dielectric layer 50 with a series of narrow trenches 52 and a wide trench 54. Dummy structures 56 are formed in dielectric layer 50 between the series of narrow trenches 52 and wide trench 54.



As can be seen by comparing FIGs. 2 and 5, dummy structures 56 in FIG. 5 are formed in the region of dielectric layer 50 that was referred to as the smooth upper surface 26 in describing dielectric layer 20 in FIG. 2. Thus, dummy structures 56 are formed in the non-recessed area of dielectric layer 50. In order for dummy structures 56 to be formed within a recessed area of dielectric layer 50, the dummy structures 56 would need to be formed either within one of the narrow trenches 52 or wide trench 54. Instead, as clearly depicted in FIG. 5 and disclosed in paragraph [0030] of the Sethuraman reference, dummy structures 56 are formed between series of narrow trenches 52 and wide trench 54.

The Bernhardt reference does not disclose dummy structures. Thus, the Sethuraman reference, either alone or in combination with the Bernhardt reference, fails to disclose forming dummy structure within a recessed area of a dielectric layer.

Therefore, Applicants assert that claim 11 is allowable over the proposed combination of the Sethuraman reference and the Bernhardt reference. Applicants also assert that claims 15, 24, 28, and 29 are allowable for at least the reason that they depend from an allowable independent claim.

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**B. Claims 16, 21-23, 28, 30, 44, 47, 48, 52-55, 58, 59, and 60.**

Claims 16, 21-23, 28, 30, 44, 47, 48, 52-55, 58, 59, and 60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Sethuraman reference in view of the Bernhardt reference and further in view of U.S. Patent No. 6,383,917 (the Cox reference).

Applicants assert that claims 16, 21-23, 28, and 30 are allowable for at least the reason that they depend from an allowable independent claims, claim 11.

Independent claim 44 recites that a dielectric layer is formed having a recessed area and a non-recessed area, and that dummy structures are formed within the recessed area. For the reasons set forth above, Applicants assert that the Sethuraman reference, either alone or in combination with the Bernhardt reference, does not disclose or suggest dummy structures formed within a recessed area formed in a dielectric layer. The Examiner has not asserted that the Cox reference discloses the dummy structures recited in claim 44.

Thus, Applicants assert that claim 44 is allowable over the combination of the Sethuraman reference, the Bernhardt reference, and the Cox reference. Additionally, Applicants assert that claims 47, 48, 52-55, 58, 59, and 60 are allowable for at least the reason that they depend from an allowable independent claim, claim 44.

**II. Allowable Subject Matter**

Claims 12-14, 17-20, 25-27, 45, 46, 49-51, 56, and 57 were objected to as being dependent upon a rejected base claim. For the reasons set forth above, Applicants assert that these claims depend from allowable independent claims, claims 11 and 44.

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**III. Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 495152000610. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 9, 2006

Respectfully submitted,

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